

117TH CONGRESS
1ST SESSION

H. R. 3902

To amend title 49, United States Code, to establish a pilot program for intermodal transportation infrastructure grants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2021

Mr. GRAVES of Louisiana introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to establish a pilot program for intermodal transportation infrastructure grants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “21st Century Aero-
5 space Infrastructure Act of 2021”.

6 **SEC. 2. INTERMODAL TRANSPORTATION INFRASTRUCTURE**
7 **IMPROVEMENT PILOT PROGRAM.**

8 (a) IN GENERAL.—Section 47115 of title 49, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

1 “(l) INTERMODAL TRANSPORTATION INFRASTRUC-
2 TURE IMPROVEMENT PILOT PROGRAM.—

3 “(1) IN GENERAL.—The Secretary shall estab-
4 lish a pilot program to issue grants to operators of
5 launch and reentry sites for projects to construct,
6 repair, maintain, or improve transportation infra-
7 structure and facilities at such sites. The Secretary
8 may enter into agreements to provide grants under
9 this subsection.

10 “(2) PILOT PROGRAM QUALIFICATIONS.—The
11 Secretary may only issue a grant under this sub-
12 section to an operator if the operator—

13 “(A) has submitted an application to the
14 Secretary in such form, at such time, and con-
15 taining such information as prescribed by the
16 Secretary;

17 “(B) demonstrates to the Secretary’s satis-
18 faction that the project for which the applica-
19 tion has been submitted is for an eligible pur-
20 pose under paragraph (3); and

21 “(C) agrees to maintain such records relat-
22 ing to the grant as the Secretary may require
23 and to make such records available to the Sec-
24 retary or the Comptroller General of the United
25 States upon request.

1 “(3) PERMITTED USE OF PILOT PROGRAM
2 GRANTS.—An operator may use a grant provided
3 under this subsection for a project to construct, re-
4 pair, maintain, or improve infrastructure and facili-
5 ties that—

6 “(A) are located at, or adjacent to, a
7 launch or reentry site; and

8 “(B) directly enable or support transpor-
9 tation safety or covered transportation activi-
10 ties.

11 “(4) PILOT PROGRAM GRANTS.—

12 “(A) GRANT FORMULA.—At the beginning
13 of each fiscal year after fiscal year 2021, the
14 Secretary shall issue a grant to an operator
15 that qualifies for the pilot program under para-
16 graph (2) an amount equal to the sum of—

17 “(i) \$250,000 for each licensed launch
18 or reentry operation conducted from the
19 applicable launch or reentry site or at any
20 adjacent Federal launch range in the pre-
21 vious fiscal year; and

22 “(ii) \$100,000 for each permitted
23 launch or reentry operation conducted
24 from the applicable launch or reentry site

1 or at any adjacent Federal launch range in
2 the previous fiscal year.

3 “(B) MAXIMUM GRANT.—Except as pro-
4 vided in paragraph (5)(E), a grant issued to an
5 operator under this subsection shall not exceed
6 \$2,500,000 for a fiscal year.

7 “(C) ADJACENCY.—

8 “(i) IN GENERAL.—In issuing a grant
9 to an operator under subparagraph (A),
10 the Secretary shall determine whether a
11 launch or reentry site is adjacent to a Fed-
12 eral launch range.

13 “(ii) LIMITATION.—Only 1 operator
14 may receive an amount under subpara-
15 graph (A) for each licensed or permitted
16 launch or reentry operation described in
17 such subparagraph.

18 “(iii) MULTIPLE LAUNCH OR RE-
19 ENTRY SITES OPERATED BY 1 OPER-
20 ATOR.—If an operator holds a license to
21 operate more than 1 launch site or more
22 than 1 reentry site that are adjacent to a
23 Federal launch range, the Secretary shall
24 consider such launch or reentry sites as 1

1 launch or reentry site for purposes of sub-
2 paragraph (A).

3 “(5) SUPPLEMENTAL GRANTS IN SUPPORT OF
4 STATE, LOCAL, OR PRIVATE MATCHING.—

5 “(A) IN GENERAL.—The Secretary may
6 issue a supplemental grant to an operator, sub-
7 ject to the requirements of this paragraph.

8 “(B) DOLLAR-FOR-DOLLAR MATCHING.—If
9 a qualified entity provides an operator an
10 amount equal to or greater than the amount of
11 a grant provided in a fiscal year under para-
12 graph (4) (for the explicit purpose of matching
13 such grant), the Secretary may issue a supple-
14 mental grant to the operator that is equal to 25
15 percent of such grant in the following fiscal
16 year.

17 “(C) ADDITIONAL NON-FEDERAL MATCH-
18 ING.—If a qualified entity provides an operator
19 an amount equal to or greater than two times
20 the amount of a grant provided in a fiscal year
21 to the operator under paragraph (4) (for the
22 explicit purpose of matching such grant), the
23 Secretary may issue a supplemental grant to
24 the operator that is equal to 50 percent of such
25 grant in the following fiscal year.

1 “(D) SUPPLEMENTAL GRANT LIMITA-
2 TIONS.—

3 “(i) MATCH TIMING.—The Secretary
4 may issue a supplemental grant under sub-
5 paragraph (B) or (C) only if an amount
6 provided by a qualified entity is provided
7 to the operator in the same fiscal year as
8 the grant issued under paragraph (4).

9 “(ii) NON-DUPLICATION OF MATCHING
10 GRANTS.—If the Secretary issues a supple-
11 mental grant to the operator of a launch
12 site under subparagraph (C), the Secretary
13 may not issue a supplemental grant under
14 subparagraph (B) to the same operator in
15 the same fiscal year.

16 “(E) NON-APPLICATION OF GRANT CEIL-
17 ING.—The limitation on a grant amount under
18 paragraph (4)(B) shall not apply to supple-
19 mental grants issued under this paragraph.

20 “(6) PROGRAM ADMINISTRATION.—

21 “(A) AWARD TIMING.—Amounts des-
22 ignated to carry out this section that are not
23 obligated for grants under paragraphs (4) or
24 (5) by July 1 of the fiscal year in which the
25 amounts were made available shall be made

1 available for projects in accordance with sub-
2 section (j).

3 “(B) GRANT ASSURANCE APPLICA-
4 BILITY.—Except as provided in subparagraph
5 (C), a grant issued under this subsection shall
6 not be subject to the conditions of sections
7 47106 or 47107, including any regulations pre-
8 scribed thereunder, or any other conditions as-
9 sociated with grants made under this sub-
10 chapter pursuant to the Secretary’s authority
11 under chapter 471 or 475 (excluding section
12 47112 and 47113).

13 “(C) COMBINATION WITH OTHER FEDERAL
14 FUNDS.—If an operator combines amounts re-
15 ceived under this subsection with Federal funds
16 from any other source (including funds received
17 under chapter 471 and 475), the applicable
18 statutory or regulatory requirements associated
19 with such funds shall apply to the total project
20 being funded and to the funds provided under
21 this subsection.

22 “(7) FUNDING.—

23 “(A) PILOT PROGRAM GRANT FUNDS.—
24 The grants issued under this subsection shall be

1 issued from funds made available under sub-
2 section (j)(4).

3 “(B) MAXIMUM ANNUAL LIMIT ON PILOT
4 PROGRAM.—

5 “(i) IN GENERAL.—The total amount
6 of all grants issued under this subsection
7 shall not exceed \$20,000,000 in any fiscal
8 year.

9 “(ii) GRANT REDUCTION.—In com-
10 plying with clause (i), the Secretary—

11 “(I) may proportionally reduce
12 the amount of, or decline to issue, a
13 supplemental grant under paragraph
14 (5); and

15 “(II) if the reduction under sub-
16 clause (I) is insufficient, shall propor-
17 tionally reduce grants issued under
18 paragraph (4).

19 “(8) DEFINITIONS.—In this subsection, the fol-
20 lowing definitions apply:

21 “(A) COVERED TRANSPORTATION ACTIV-
22 ITY.—The term ‘covered transportation activity’
23 means the movement of people or property to,
24 from, or within a launch site and the necessary

1 or incidental activities associated with such
2 movement, including through use of—

3 “(i) a vehicle;

4 “(ii) a vessel;

5 “(iii) a railroad (as defined in section
6 20102);

7 “(iv) an aircraft (as defined in section
8 40102);

9 “(v) a pipeline facility (as defined in
10 section 60101); or

11 “(vi) a launch vehicle or reentry vehi-
12 cle.

13 “(B) LAUNCH; LAUNCH SITE; LAUNCH VE-
14 HICLE; REENTRY SITE; REENTRY VEHICLE.—

15 The terms ‘launch’, ‘launch site’, ‘launch vehi-
16 cle’, ‘reentry site’, and ‘reentry vehicle’ have the
17 meanings given those terms in section 50902 of
18 title 51.

19 “(C) OPERATOR.—The term ‘operator’
20 means a person licensed by the Secretary to op-
21 erate a launch or reentry site.

22 “(D) QUALIFIED ENTITY.—The term
23 ‘qualified entity’ means a State, local, or tribal
24 government or private sector entity, or any
25 combination thereof.

1 “(9) PILOT PROGRAM SUNSET.—This sub-
2 section shall cease to be effective on October 1,
3 2023.”.

4 (b) CONFORMING AMENDMENT.—Section
5 47115(j)(4) of title 49, United States Code, is amended
6 by inserting “and subsection (l)” after “this subsection”.

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